

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

DEMETRICE SCOTT, <div style="text-align: center;">Plaintiff,</div> <div style="text-align: center;">VS.</div> STATE OF GEORGIA, <div style="text-align: center;">Defendant.</div>	: : : : : : : : : : :	NO. 5:24-CV-000097-TES-MSH
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ORDER

Pro se Plaintiff Demetrice Scott, a prisoner at the Macon State Prison in Oglethorpe, Georgia, filed a pleading that was docketed as a 28 U.S.C. § 1983 civil action. ECF No. 1. An initial review of the complaint revealed that Plaintiff failed to state a § 1983 claim and that he requested relief unavailable in a § 1983 civil action. ECF No. 4.

On March 22, 2024, Plaintiff was ordered to recast his complaint and provided instructions on how to do so. ECF No. 6. Plaintiff was given fourteen (14) days to respond and was informed that failure to comply would result in dismissal of his action. *Id.* Plaintiff failed to respond.

Therefore, on April 12, 2024, the Court notified Plaintiff that he failed to respond to an order of the Court. ECF No. 5. Plaintiff was ordered to show cause why this action should not be dismissed for failure to comply with the Court’s order. *Id.* The Court unambiguously informed Plaintiff that this action would be dismissed if he failed

to respond. *Id.* Plaintiff was given fourteen (14) days to respond, and he has failed to do so.

Due to Plaintiff's failure to follow the Court's orders and failure to prosecute this action, the case is hereby **DISMISSED WITHOUT PREJUDICE**. Fed. R. Civ. P. 41(b); *Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (citing Fed. R. Civ. P. 41(b) and *Lopez v. Aransas Cty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)) ("The court may dismiss an action sua sponte under Rule 41(b) for failure to prosecute or failure to obey a court order."); *Duong Thanh Ho v. Costello*, 757 F. App'x 912 (11th Cir. 2018) (holding that the district court did not abuse its discretion in *sua sponte* dismissing without prejudice prisoner's *pro se* § 1983 complaint for failure to comply with court order to file amended complaint where order expressly informed prisoner of deficiencies in his complaint and rules that he needed to follow in filing amended complaint).

SO ORDERED, this 6th day of May, 2024.

S/ Tilman E. Self, III

TILMAN E. SELF, III, JUDGE
UNITED STATES DISTRICT COURT